

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
NORTHERN DIVISION
CAUSE NO. 2:18-cv-42-D**

**ALFONZA J. HIGGS, as
ADMINISTRATOR OF THE ESTATE
OF ALONZA HIGGS, Deceased,**

PLAINTIFF

vs.

**SSC WINDSOR BRIAN OPERATING COMPANY, LLC &
SAVASENIORCARE ADMINISTRATIVE SERVICES, LLC**

DEFENDANTS

**ORDER GRANTING MOTION TO COMPEL COMPLIANCE
WITH ISSUANCE OF SUBPOENAS**

The Court having duly considered Defendants SSC Windsor Brian Operating Company, LLC and SavaSeniorCare Administrative Services, LLC's Motion to Compel Compliance with Issuance of Subpoenas, finds that the motion is well taken and should be granted. The Court specifically finds that while the documents and records requested to be produced constitute confidential physician-patient communications which are protected from disclosure pursuant to the provisions of N.C.G.S. § 8-53 and/or N.C.G.S. § 8-53.13, and, in any event, constitute protected health information and records that are protected from disclosure pursuant to the provisions of HIPAA and the regulations promulgated thereunder; the documents and information contained therein are relevant to the issues in this proceeding and the production and disclosure of these records and documents is necessary to the proper administration of justice so that production and disclosure of the records and documents may be compelled pursuant to the provisions of N.C.G.S. §§8-53, 8-53.13, and the Court also concludes that it has the authority under the federal statutes, and the regulations promulgated thereunder, particularly including, but not limited to, 45 CFR § 164.512(e)(1)(i), to order the medical providers to produce confidential medical and similar records constituting "protected health information," and that for the foregoing reasons, such production should be required.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the Defendants' Motion to Compel Compliance with Issuance of Subpoenas is hereby granted, and that this Court orders as follows:

1. The following medical providers: Brody School of Medicine – Department of Internal Medicine, East Carolina University Physicians Family Medicine Center, East Carolina University Physicians Trauma Surgery, and Roanoke Home Care shall comply with the previously issued subpoenas, so that Defendants might obtain the requested medical records.

2. Providers are ordered to respond to the subpoenas within 15 days of entrance of this order.

Dated: October 22, 2019

A handwritten signature in black ink, reading "Robert T. Numbers, II". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

Robert T. Numbers, II
United States Magistrate Judge